

DECISION

THE COMPTROLLER GENERAL ²⁵⁴⁸⁷
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-211887

DATE: June 17, 1983

MATTER OF: Doucette Industries

DIGEST:

Protest by fifth low bidder that contract was improperly awarded is dismissed. Protester is not an "interested party" under GAO's Bid Protest Procedures because even if the protest were upheld, the firm would not be in line for award.

Doucette Industries protests the award of any contract to A.R.E. Manufacturing under invitation for bids (IFB) No. N00104-83-B-0293, issued by the Department of the Navy for a 7-1/2 ton shipboard air conditioner. We dismiss the protest.

The Navy received seven bids in response to the IFB. A.R.E. was awarded the contract based on its bid price if first article testing is waived. Doucette alleges that A.R.E. should not be entitled to waiver of first article testing, and that award to the firm therefore is improper since a competitor submitted a lower bid than A.R.E.'s bid price including first article testing.

Doucette is not eligible to maintain this protest. Under our Bid Protest Procedures, 4 C.F.R. § 21.1(a) (1983), a party must be "interested" in order to have its protest considered by our Office. Determining whether a party is sufficiently interested involves consideration of the party's status in relation to the procurement. Pluribus Products Inc., B-210444, March 7, 1983, 83-1 CPD 226. In general, we will not consider a party's interest to be sufficient where that party would not be eligible for award even if the issues raised were resolved in its favor. See Bay Shipbuilding Corporation--Reconsideration, B-209435.3, December 7, 1982, 82-2 CPD 516.

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The Navy advises that Doucette was the fifth low bidder. Thus, even if Doucette's protest were upheld, the firm would not be in line for award. Doucette therefore is not an interested party within the meaning of our Bid Protest Procedures.

The protest is dismissed.

J. H. Barclay Jr.
for Harry R. Van Cleave
Acting General Counsel